



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
WASHINGTON, D.C. 20460

**RETURN RECEIPT REQUESTED** APR 25 2003  
**Cert. No. 7000-1530-0006-1727-9327**

**In Reply Refer to:**  
**EPA OCR File No. 2R-03-R4**  
OFFICE OF THE  
ADMINISTRATOR

[REDACTED]  
[REDACTED]  
[REDACTED]

Re: Rejection of Administrative Complaint

Dear [REDACTED]:

The U.S. Environmental Protection Agency (EPA) Office of Civil Rights (OCR) has received your complaint dated February 13, 2003, against the Nashville Board of Zoning Appeals (BZA). For the reasons that follow, OCR has determined that it cannot accept your complaint for investigation.

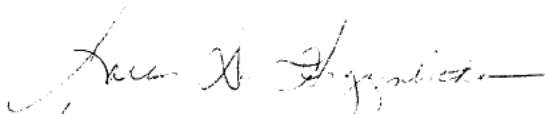
OCR is responsible for investigating discrimination complaints against programs or activities that receive financial assistance from EPA. EPA's nondiscrimination regulations are published in the Code of Federal Regulations at 40 C.F.R. Part 7. (A copy of the regulations is enclosed for your convenience.) Individuals who believe that they have been discriminated against in violation of EPA's nondiscrimination regulations, may file a complaint with EPA. To be accepted for investigation, a complaint must meet the requirements described in the regulations in section 7.120. First, the complaint must be in writing. Second, it must describe an alleged discriminatory act prohibited by the regulations (i.e., an alleged discriminatory act based on race, color, national origin, handicap, or sex). Third, it must be filed within 180 days of the alleged discriminatory act. And, fourth, it must be filed against a program or activity that receives financial assistance from EPA. (EPA will check to see if the program or activity named in the complaint receives financial assistance from EPA.)

After careful consideration, OCR has concluded that it cannot accept your complaint for investigation, because it does not meet the complaint requirements in EPA's nondiscrimination regulations. Specifically, EPA records indicate that neither the Metro Nashville Board of Zoning Appeals [BZA] nor the private developer has received any financial assistance from EPA. EPA, therefore, does not have any authority or jurisdiction to investigate either the BZA or the private developer for any alleged civil rights violation.

Mattheisen/mdm:1201A:564-7291/04-24-2003/Nashville BZA Rejection 3-17-03.wpd

If you have any questions, please contact Mike Mattheisen in OCR by telephone at 202-564-7272, or by mail at U.S. EPA, Office of Civil Rights, Mail Code 1201A, 1200 Pennsylvania Ave., NW, Washington, D.C., 20460-1000.

Sincerely,



Karen D. Higginbotham  
Director

encl. EPA Nondiscrimination Regulations, 40 CFR Part 7

cc:

[REDACTED]  
[REDACTED]  
[REDACTED]

Nancy Tommelleo, Title VI Coordinator  
EPA Region 4  
(w/ copy of complaint)

Stephen G. Pressman, Acting Associate General Counsel  
Civil Rights Law Office (MC 2399A)  
Office of General Counsel  
(w/ copy of complaint)

Barry E. Hill, Director  
Office of Environmental Justice (MC 2201A)  
(w/ copy of complaint)